



THE COUNCIL OF THE CITY OF BINGHAMTON  
STATE OF NEW YORK

Date: December 4, 2013

Sponsored by Council Members: Webb, Motsavage, Matzo, Rennia, Mihalko, Berg, Papastrat

Introduced by Committee: Planning & Community Development

ORDINANCE

*entitled*

AN ORDINANCE AUTHORIZING VARIOUS  
AMENDMENTS TO SECTION 265-6 OF THE  
CODE OF THE CITY OF BINGHAMTON,  
REGARDING RENTAL REGISTRATION

WHEREAS, on December 19, 2011, the Council of the City of Binghamton passed Local No. 4 entitled "A Local Law to Amend Section 265-6 of the Code of the City of Binghamton to Provide for Triennial Inspections and a Rental Registration Program"; and

WHEREAS, on June 6, 2012, the Council of the City of Binghamton adopted "An Ordinance Amending Chapter 265-6, Rental Registration"; and

WHEREAS, on April 3, 2013, the Council of the City of Binghamton adopted "An Ordinance Amending Chapter 265-6, Rental Registration"; and

WHEREAS, Council wishes to amend Chapter 265-6 to further clarify the rental registration program.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That the Code of the City of Binghamton, Chapter 265-6, *Rental Registration established*, is hereby amended as follows:

§ 265-6. Rental registration established. [Amended 12-19-2011 by Perm. LL. 11-4; Amended 6-6-2012 by Perm Ord. 12-40; Amended 4-3-2013 by Perm Ord. 13-27; Amended by Perm Ord. 13-96]

**B. Definitions.**

LOCAL AUTHORIZED REPRESENTATIVE – A person (or entity) designated by the Owner to manage Real Property or Rental Unit(s). The Local Authorized Representative may be an Owner or a third party. The Local Authorized Representative must maintain a home or business address in Broome County or a contiguous county in New York. The Local Authorized Representative shall be authorized to conduct all business related to the Rental Property or Rental Units(s) and is authorized to accept service of all notices regarding any action or proceeding.

**C. Registration required.**

(2) The Owner will complete and file with the City Clerk a Rental Registration Application. The Rental Registration Application shall include, but shall not be limited to, the following information for the Rental Property/Rental Unit(s):

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(f) The Owner must designate a Local Authorized Representative. Notwithstanding the foregoing, any partner, manager member, or officer, listed in section "(b)" above is authorized to accept service of any notices regarding any action or proceeding. If the Local Authorized Representative is an entity, the names of the individuals in such entity must be identified.

D. **Fees.** The Owner will pay a Rental Registration fee in the amount of fifty (\$50) dollars for up to two Rental Units and twenty-five (\$25) dollars for each additional Rental Unit. The Rental Registration fee is non-refundable. The fee for the initial inspection, see §265-6.J(6) below, shall be included in the Rental Registration Application fee. Owners of rental properties which are subject to some other annual code compliance inspection shall be required to submit a Rental Registration Application for each property, but shall be exempt from all fees and additional inspections upon providing proof of such other annual code compliance inspection. Approval of such other annual code compliance inspection will be at the discretion of the Office of Building Construction, Zoning and Code Enforcement.

F. **Confirmation, revocation and modification.**

(1) If the information in the Rental Registration Application is (i) not consistent with existing conditions (ii) not consistent with public records, (iii) the Rental Property/Rental Unit(s) do not pass a health and safety inspection, or (iv) the Rental Property/Rental Unit(s) is denied a Certificate of Compliance after review of applicable building and zoning laws and regulations, the City Clerk may revoke the Record of Rental Registration. Prior to revocation, the City will give the Owner written notice of the violation and an opportunity to cure such violation within ninety (90) days.

(2) Notwithstanding the foregoing, nothing herein shall limit the ~~Office of Building & Construction/Code Enforcement~~ Building Construction, Zoning and Code Enforcement from issuing a notice of violation for building and zoning laws and regulations and prosecuting same pending such ninety (90) days.

I. **Triennial Inspection.**

(1) In addition to the inspections required by § 265-3, *Inspection of Dwellings*, all Rental Property/Rental Unit(s) subject to this section are to be inspected at least once every three (3) years, except for the following:

(a) Those properties exempt from such inspections, as outlined in § 265-6.D; and

(b) The Office of Building Construction, Zoning and Code Enforcement shall be authorized to inspect a representative portion of twenty percent (20%) of all units at rental properties with more than twenty (20) units.

(4) Upon confirmation of consistency with public records, compliance with all health and safety, building and zoning laws and regulations, the ~~Office of Building & Construction/Code Enforcement~~ Office of Building Construction, Zoning and Code Enforcement will issue a Certificate of Compliance.

(6) The fee for the initial inspection is included in the Rental Registration fee. ~~If a Rental Property/Rental Unit(s) fails an inspection or if an Owner, Local Authorized Representative, or tenant fails to appeal for a schedule inspection, then a fee in the amount of \$25 will be charged for each additional inspection.~~ If a violation is noted at the initial inspection, the Owner shall have an opportunity to remedy such violation by the next

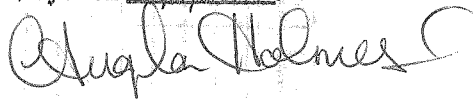
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inspection. If the violation is not remedied by the second inspection, then a fee in the amount of \$50 will be charged for each additional inspection. If an Owner, Local Authorized Representative, or tenants fails to appear for a scheduled inspection, then a fee in the amount of \$50 will be charged for each additional inspection. If an Owner fails to pay the fee for additional inspections within thirty (30) days after written demand for same, then such amount shall be a lien against the Rental Property and may be collected in the same manner as real property taxes.

Section 2. That this Ordinance shall take effect immediately.

I hereby certify the above to be a true copy  
of the legislation adopted by the Council  
of the City of Binghamton at a meeting  
held on 12/4/13. Approved by the  
Mayor on 12/5/13.



Introductory No. 013-101  
Permanent No. 013-96

Sponsored by City Council Members:  
Webb, Motsavage, Matzo, Rennia, Mihalko, Berg,  
Papastrat

AN ORDINANCE AUTHORIZING VARIOUS  
AMENDMENTS TO SECTION 265-6 OF THE  
CODE OF THE CITY OF BINGHAMTON,  
REGARDING RENTAL REGISTRATION

The within Ordinance was adopted by the Council of  
the City of Binghamton.

DECEMBER 4, 2013  
Date  
Debra L. Dineen  
City Clerk

DECEMBER 3, 2013  
Date Presented to Mayor

12/15/13  
Date Approved  
Matthew T. Ry  
Mayor

	Ayes	Nays	Abstain	Absent
Motsavage	✓			
Mihalko				✓
Rennia	✓			
Webb	✓			
Papastrat	✓			
Matzo	✓			
Berg	✓			
Total	6	0	0	1

☐ Code of the City of Binghamton

☒ Adopted ☐ Defeated

6 Ayes 0 Nays 0 Abstain 1 Absent